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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,392	11/12/2003	William Edward Hogwood	02996.0003.CNUS02	4345

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EXAMINER

BROCKETTI, JULIE K

ART UNIT PAPER NUMBER

3713

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/705,392	<b>Applicant(s)</b> HOGWOOD ET AL.	
	<b>Examiner</b> Julie K Brockett	<b>Art Unit</b> 3713	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

The declaration is missing the cities of residence for the inventors.  
Listing only the country of residence is not sufficient.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are screen shots of a computer and are shaded in various areas which make them difficult to read. Please see 37 CFR 1.84 *Standards for Drawings* for rules regarding drawings. Specifically the drawings are blurry and are objected to under CFR 1.84 because they are not capable of satisfactory reproduction. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the

application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, 5-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Brenner et al., U.S. Patent No. 6,099,409.** Brenner discloses a system for interactive wagering on an event from a remote location over a network. A general-purpose personal computer device is in communication with the network. The general-purpose computing device provides a user-customizable personalized wagering experience (See Brenner Fig. 29-34; col. 7 lines 25-67; col. 8 lines 1-4; col. 10 lines 41-45). A wager server is in communication with the general-purpose computing device over the network and receives wager information related to the event from a user (See Brenner Fig. 29; col. 5 lines 63-67; col. 6 lines 1-5). An event location device is in communication with the wager server over the network and compiles result information related to the event and provides settlement information related to wagers placed (See Brenner Fig. 29; col. 5 lines 39-53; col. 6 lines 14-30) [claim

1]. A financial center is in communication with the network and supports an account of the user for receiving the settlement information from the event location device. The account of the user is debited based on unsuccessful wagers and credited based on successful wagers (See Brenner col. 8 lines 57-67; col. 9 lines 1-4; col. 12 lines 54-65; col. 15 lines 48-67; col. 16 lines 1-12) [claim 2]. Brenner describes credit card transactions using a magnetic stripe card. It is implicit that the device provides a reader to read the magnetic stripe (See Brenner col. 4 lines 56-60; col. 20 line 34) [claim 5]. A computer runs software customizable by the user where the computer enables the user to save wagers for future or repeat placement (See Brenner col. 12 lines 11-52) [claim 6]. A wager server communicates with a plurality of users using a plurality of general-purpose personal computing devices and a plurality of event location devices, thereby enabling wagering on a plurality of remote events (See Brenner Figs. 1, 29) [claim 7]. The general-purpose computing device provides the user-customizable personalized wagering experience by communication with the wager server, wherein the manner in which content served by the wager server is controllable by the user (See Brenner Figs. 3, 31-34) [claim 9].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al., U.S. Patent No. 6,099,409.** Brenner discloses all of the aforementioned limitations but lacks in having a plurality of wager servers. It is well known throughout the art to employ more than one server in a system to allow the system to support a greater number of users or different geographic locations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the remote wagering system disclosed in Brenner to add the feature of a plurality of wagering servers to allow the system to server a greater number of users or different geographical locations.

**Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al. in view of Luciano et al., U.S. Patent No. 6,168,521 B1.** Brenner discloses a system adapted for use by a retail user (See Brenner Fig. 48) [claim 4]. For example, Brenner includes means for a user to input funds to pay for wagers. Brenner lacks in disclosing a receipt printer for issuing receipts, a barcode scanner for scanning issued receipts and having the barcode scanner provide data to the computer. Luciano teaches an analogous gaming device that issues receipts and scans barcodes on receipts to provide data to the computer (See Luciano col. 2 lines 46-65; col. 3 lines 34-45;

col. 4 lines 39-54) [claim 3]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user-computers taught by Brenner to add the features of a barcode scanner for scanning issued receipts and having the barcode scanner provide data to the computer. As suggested by Luciano, the modification would enhance the gaming device by providing computers with physical means to record and verify evidence of a player's wager.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 571-272-4432. The examiner can normally be reached on M-Th 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Julie Brockett". The signature is fluid and cursive, with the first name "Julie" and last name "Brockett" clearly distinguishable.

Julie K Brockett  
Examiner  
Art Unit 3713